

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
May 13, 2008

The City Council convened in Regular Session on Tuesday, May 13, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46816

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

ADMINISTRATIVE HEARING

The President of the Council Jerry Reese announced that the following Administrative Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

Administrative hearing to consider an appeal of a decision of the Landmarks Board to approve a Certificate of Appropriateness for exterior changes at 400 North Sixth Street.

RESOLUTIONS/AWARDS/PROCLAMATIONS

Recognition of Mayor's Charity Ball Recipients

The Honorable Mayor Patricia M. York recognized the following recipients of proceeds from the 2008 Mayors' Charity Ball:

- Symphony Society of St. Charles County - \$15,000
- Youth in Need - \$7,500
- Crime Stoppers - \$5,000
- Crisis Nursery - \$5,000

A Resolution Authorizing Moving the City of St. Charles Website to the Internet Gov Domain and a Change in the Name of the City's Website to *stcharlescitemo.gov*
(Sponsors: All Members of the City Council)

Councilmember Michael Weller announced that the City's website will be changed to www.stcharlescitemo.gov within the next couple months; however, the current website will be active for a transitional period. Councilmember Laurie Feldman requested that notification be made of the new website on the City's Public Access Channel. A roll call vote was taken, with the following results:

Passed “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, and Ermeling

“Nay”: None

Absent: None

Approved by the Honorable Mayor on May 15, 2008, and is known as **Resolution R08-16**

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A Resolution Declaring Two (2) City Police Data911 Mobile Data Terminals to be Surplus Property, and Authorizing the Donation of the Mobile Data Terminals to the Truesdale, Missouri Police Department (*Sponsor: Jerry Reese*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, and Feldman
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on May 14, 2008, and is known as **Resolution R08-15**

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bills 9657 and 9658 Relative to the Community Center

Joe Kloeppe, 2905 Concordia Lane, voiced concern relative to Council Bills 9657 and 9658; specifically, the funding and removing property from the tax rolls.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Robert L. Scott, 417 S. Duchesne, voiced opposition to the move of the City’s Public Access Channel.

Bill Davis, 1946 Sibley, spoke relative to City issues.

BILLS FOR FINAL PASSAGE

Bill 9633 (*Referred to the Council Work Session Scheduled for May 27, 2008*)

An Ordinance Authorizing a Contract with Coe Equipment, Inc. for the Purchase of One (1) 2009 International 7400 SBA 4x2, 41,000 lb. G.V.W.R. Single-Axle Sewer Cleaning Vacuum Truck in an Amount Not to Exceed \$258,657.00 (*Sponsor: Jerry Reese*)

Council Bill 9633 was referred to the Council Work Session scheduled for May 27, 2008, for further discussion by President of the Council Jerry Reese.

Bill 9634 (*Referred to the Council Work Session Scheduled for May 27, 2008*)

An Ordinance Authorizing a Contract with Crown Equipment Company for the Purchase of One (1) 2008 Allianz MT-350 Four-Wheel Mechanical Street Sweeper in an Amount Not to Exceed \$190,700.00 (*Sponsor: Jerry Reese*)

Council Bill 9634 was referred to the Council Work Session scheduled for May 27, 2008, for further discussion by President of the Council Jerry Reese.

Bill 9637 (*Held*)

An Ordinance Amending Chapter 33 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Boards, Commissions and Committees by Creating Two New Sections to be Known as Sections 33.205 and 33.206 Establishing Oktoberfest Area, Committee and Rules and Regulations (*Sponsors: Michael Klinghammer and Richard Veit*)

Council Bill 9637 was held pending discussion at the Council Work Session scheduled for May 27, 2008.

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Bill 9641

An Ordinance Authorizing a Trail Connector License Agreement Between the Missouri Highways and Transportation Commission, Acting For and on Behalf of its Subordinate Missouri Department of Transportation and the City of St. Charles, Granting the City a Non-Exclusive License to Construct and Maintain a Bicycle and Pedestrian Trail Connector Over the Right of Way Limits of Route 370 (*Sponsors: Michael Klinghammer, Richard Veit, Laurie Feldman*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-101**

Bill 9642

An Ordinance Authorizing a Cooperation Agreement By and Between the Metropolitan Park and Recreation District, d/b/a The Great Rivers Greenway District and the City of St. Charles for the Construction and Maintenance of the Boschert Greenway (*Sponsors: Michael Klinghammer, Richard Veit, Laurie Feldman*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-102**

Bill 9643

An Ordinance Granting to Laclede Gas an Easement In, Under and Across a City of St. Charles Park Trail Located at Elm Point Road, Lot 1 of Park 370, for the Purpose of Constructing, Operating and Maintaining a Gas Distribution System (*Sponsor: Mike Klinghammer*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-103**

Bill 9644

An Ordinance Authorizing a Memorandum of Understanding Between the Saint Charles County Sheriff's Department Cyber Crime Unit and the City of Saint Charles to Provide Investigative and Forensic Assistance to the City (*Sponsor: Jerry E. Reese*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-104**

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Bill 9645

An Ordinance Authorizing a Lease Agreement with McDonnell Douglas Corporation for the Lease of Property for the Parks and Recreation Department Motorcycle Safety Range
(Sponsors: Richard Veit & Laurie Feldman)

A separate vote was taken on Council Bill 9645, with the following results:

Passed “Aye”: Muench, Reese, Stivison, Veit, Weller, Ermeling, Feldman,
Klinghammer, and Kneemiller

“Nay”: None

Absent: None

Abstain: Beckering

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-99**

Bill 9646

An Ordinance Repealing Ordinance No. 08-17 and Enacting a New Ordinance Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks (Sponsor: Jerry Reese)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
Ermeling, Feldman, and Klinghammer

“Nay”: None

Absent: None

Approved by the Honorable Mayor on May 15, 2008, and is known as **Ordinance 08-94**

Bill 9647 (Held)

An Ordinance Authorizing a Contract with Fred Weber, Inc. for the Installation of Brick Pavers in the Route 94 Center Medians of the New I-70/Route 94 Interchange (I-70/Route 94 Beautification Project) in an Amount Not to Exceed \$250,000.00 (Sponsor: Laurie Feldman)

Council Bill 9647 was held by Sponsor Laurie Feldman.

Bill 9648 (Supplemental RCA)

An Ordinance Authorizing a Contract with Midwest Mudjacking & Construction Company, Inc. for the 2008 Annual Concrete Project in an Amount Not to Exceed \$960,000.00 (Sponsors: Jerry Reese and Larry Muench)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
Ermeling, Feldman, and Klinghammer

“Nay”: None

Absent: None

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-105**

Bill 9649

An Ordinance Amending Chapter 156 of the Code of Ordinances by Creating a New Section to be known as Section 156.705 Pertaining to Street Banner Signs (Sponsor: Jerry Reese)

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Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
Ermeling, Feldman, and Klinghammer
"Nay": None
Absent: None

Approved by the Honorable Mayor on May 15, 2008, and is known as **Ordinance 08-95**

Bill 9650

An Ordinance Repealing Ordinance No. 08-44 and Enacting a New Ordinance Providing for a two-percent (2%) salary increase for non-represented employees (*Sponsors: Jerry Reese and Larry Muench*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
Ermeling, Feldman, and Klinghammer
"Nay": None
Absent: None

Approved by the Honorable Mayor on May 16, 2008, and is known as **Ordinance 08-97**

Bill 9651

An Ordinance Relating to Information Technology Policies (*Sponsors: Michael Weller, Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Jerry Reese, Ron Stivison, and Richard Veit*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
Ermeling, Feldman, and Klinghammer
"Nay": None
Absent: None

Returned Unsigned by the Honorable Mayor on May 30, 2008, and is known as **Ordinance 08-109**

Bill 9652

An Ordinance Restricting the Most Western Lane of South Old Highway 94 at Muegge Road to Right Turns Only (*Sponsors: Bob Kneemiller and Michael Weller*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
Ermeling, Feldman, and Klinghammer
"Nay": None
Absent: None

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-106**

Bill 9653 (Held)

An Ordinance Authorizing a Contract with Gershenson Construction Company, Inc. for the River Observation Platform Project in an Amount Not to Exceed \$118,242.00
(*Sponsor: Jerry E. Reese*)

Council Bill 9653 was held by Sponsor Jerry E. Reese.

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Bill 9654

An Ordinance Adopting a Bank Card Account Policy for Use of City Issued Bank Cards
(*Sponsors: Dave Beckering, Laurie Feldman, Bob Kneemiller, Jerry Reese, and Michael Weller*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
 Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-107**

Bill 9655

An Ordinance Amending Chapter 36 of the Code of Ordinances by Creating a New
Section Designated Section 36.15 Related to Department Directors (*Sponsors: Dave
Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller,
Larry Muench, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller*)

Mayor Patricia M. York voiced her support of Council Bill 9655.

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
 Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Returned Unsigned by the Honorable Mayor on May 30, 2008, and is known as **Ordinance 08-110**

Bill 9657

An Ordinance Calling a Bond Election in the City of Saint Charles, Missouri (*Sponsors:
Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench,
Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller*)

Councilmember Dave Beckering stated that the election should be held in November because of
the increased voting participation. A separate vote was taken on Council Bill 9657, with the
following results:

Passed “Aye”: Reese, Stivison, Veit, Weller, Ermeling, Feldman, Klinghammer,
 Kneemiller, and Muench
 “Nay”: Beckering
 Absent: None

Approved by the Honorable Mayor on May 22, 2008, and is known as **Ordinance 08-100**

Bill 9658 (Held)

An Ordinance Authorizing a Cooperation Agreement By and Between the City of St.
Charles and ShowMe Aquatics & Fitness for the Financing, Construction Operation
and Management of a Community Center (*Sponsors: Erv Ermeling, Laurie Feldman,
Michael Klinghammer, Bob Kneemiller, Larry Muench, Jerry Reese, Ron Stivison,
Richard Veit, and Michael Weller*)

A motion was made by DAVE BECKERING to hold Council Bill 9658. RICHARD VEIT
seconded the motion. All voted in favor, motion passed.

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BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9659

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions on a Portion of the Following Streets Located Within New Town Subdivision: Hempstead Street, Shutten Street and East Arpent Street (*Sponsor: Michael Klinghammer*)

Bill 9660

An Ordinance Authorizing an Amendment to the Administrative Services Agreements for Plan Numbers 302066 and 109407 Between the City of St. Charles and ICMA Retirement Corporation (ICMA-RC). (*Sponsor: Jerry E. Reese*)

Bill 9661

An Ordinance Approving the Record Plat for A Subdivision of Lot E1 of A Resubdivision of Lot E of Knobbe Subdivision Plat 2, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9662

An Ordinance Authorizing an Engineering Services Contract with E.T. Archer Corporation for the Upgrade/Expansion of the Adams Street Lift Station in an Amount Not to Exceed \$368,010.00 (*Sponsors: Richard Veit and Michael Klinghammer*)

Bill 9663

An Ordinance Granting a Variance to the Requirement of Section 151.69 (C)(7) to Allow for the Installation of an Underground Detention Basin for the Lindenwood University Harmon Hall Addition and Parking Lot Improvement Projects (*Sponsors: Ron Stivison and Michael Klinghammer*)

CONSENT AGENDA

A motion was made by LARRY MUENCH to receive and approve the Consent Agenda. BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: None. Motion passed.

- A. Approval of Council Minutes
 - 1. Special Session of May 6, 2008
 - 2. Public Hearing of May 6, 2008

File #46817

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- B. Receipt and/or Approval of Council Committee Reports
1. Council Work Session of April 8, 2008
File #46725
- C. Receipt of Reports from Boards, Commissions or Committees
1. Board of Adjustment Meeting of April 14, 2008
File #46735
2. Special Business District Advisory Board Meeting of March 6, 2008
a. Susan Berthold Elected Chairperson
b. Karen House Elected Vice-Chairperson
c. Motion to Approve the 2008 Budget
d. Motion to Approve \$9,000 Expenditure for the Fete de Glace Festival
File #46818
3. Planning and Zoning Commission Meeting of March 24, 2008
File #46762
4. Beautification Commission Meeting of April 8, 2008
a. Resolution in Support of Brick Pavers at the I-70 and Highway 94 Interchange
b. Motion to Send Letters to Residents for Well-Kept Yards
File #46793
5. Wellness Commission Meeting of March 13, 2008
a. Motion that a Presentation be Made to the City Council on April 8, 2008, Relative to City-Wide Smoking Ban; which would be Followed by a Public Forum on the Issue in May
File #46750
6. Wellness Commission Meeting of April 1, 2008
a. Motion to Delay the Presentation to the City Council Relative to City-Wide Smoking Ban to May
File #46750
7. Wellness Commission Meeting of April 10, 2008
a. Motion to Approve the Wording of a Potential Ordinance to be the Clean Air Act as Opposed to Smoking Ban Act
File #46750
8. Cable Television Commission Meeting of February 6, 2008
a. Motion that each Member of the Commission Encourage Qualified Residents to Volunteer for Consideration for Appointment to the Cable Television Commission
b. Motion to Propose Long Term Planning to Showcase Historical St. Charles Citizens that Help Shape the City, i.e., John Dengler; and that the Cable Department Video Tap a Memorial Dedication at the Veterans Memorial Honoring the St. Charles Marine who was Killed in Iraq
File #46819

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9. Cable Television Commission Meeting of April 2, 2008
a. Motion to Approve the Cable Television Policies, as Distributed
File #46819

D. Receipt of Reports of the Director of Administration
1. Emergency Purchase Report
File #46711

2. Approval of Liquor License Application for Josh B. Toal, d/b/a:
Bellacino's Pizza & Grinders, located at 1455 Bass Pro Drive
File #46710

3. Approval of Liquor License Application for Cory J. Simek, d/b/a: Phillips
66, located at 3601 Harry S. Truman Blvd.
File #46710

E. Approval of Contracts and Easements from \$30,000 - \$99,999
1. Contract with Save On Mail for Postal Services for the Convention &
Visitors Bureau in an Amount not to Exceed \$34,500.00
File #46820

2. Contract with the St. Louis Post Dispatch for Advertising Special Events
Throughout the Year in an Amount not to Exceed \$31,000.00
Mayor Patricia M. York stated that the contract with the St. Louis Post Dispatch will allow the
City to advertise for all special events at a reduced cost rather than provide funding for individual
events.
File #46821

3. Change Order to the Contract with Asphaltic Maintenance for Asphalt
Pavement Repairs in an amount not to exceed \$25,000.00
File #46822

F. Preliminary Plats
None

G. Miscellaneous
1. Receipt of the Elm & 370 Community Improvement District Annual
Report for 2007
File #46823

2. Receipt of the Noah's Ark Community Improvement District Annual
Report for 2007
File #46824

3. Receipt of the Fairgrounds Road Community Improvement District
Annual Report for 2007
File #46825

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4. Receipt of the Elm Point Commons Community Improvement District
Annual Report for 2007

File #46826

RECESS AND RECONVENE

A motion was made by DAVE BECKERING to recess the Regular Council Meeting at 8:07 p.m. The Regular Council Meeting reconvened at 8:15 p.m., with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: None.

REPORT OF THE MAYOR

Presentation of Parks & Recreation Director Maralee Britton

Parks & Recreation Director Maralee Britton gave a power point presentation relative to the activities of the Parks & Recreation Department.

President of the Council Jerry Reese requested that a map of all parks located within the City be forwarded to the Councilmembers.

Written and/or Verbal Messages from the Mayor

200th Anniversary of the City. The Honorable Mayor Patricia M. York announced that a Bicentennial Committee will be formed to plan events during 2009 to celebrate the 200th anniversary of the City of St. Charles; and requested that Councilmembers provide names of residents who would be interested in serving on the Committee.

Veterans Memorial Celebration. The Honorable Mayor Patricia M. York announced that a Veterans Memorial Celebration will be held on Monday, May 26, 2008, at 1:00 p.m. at the Veteran's Memorial on the Riverfront.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Waiver of Water and Sanitary Tap Fees for Lewis & Clark Vocational School for the
Construction of a Single Family Residential Home Located at #16 Expedition Trails

A motion was made by DAVE BECKERING to waive the water and sanitary tap fees for Lewis & Clark Vocational School for the construction of a single family residential home located at #16 Expedition Trails. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison. "Nay": None. Absent: None. Motion passed.
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Authorizing for the City to Negotiate an Engineering Services Contract with Reitz & Jens, Inc. for the Design of Flood Protection Along Sandfort Creek, Adjacent to Oak Trails Subdivision

President of the Council Jerry Reese stated that this Project was approved in the Capital Improvement Plan. Councilmember Michael Klinghammer informed the Council that the Board of Public Works did not approve the Project due to concern that construction of a berm does not guarantee flood protection; and that there are other Projects which are more of an imminent problem. A motion was made by JERRY REESE to authorize the City to negotiate an Engineering Services Contract with Reitz & Jens, Inc. for the design of flood protection along Sandfort Creek, adjacent to Oak Trails Subdivision. RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results: "Aye": Weller, Beckering, Ermeling, Feldman, Kneemiller, Muench, Reese, Stivison, and Veit. "Nay": Klinghammer. Absent: None. Motion passed.
File #46828

Written and/or Verbal Messages from the Councilmembers

CERT Training. Councilmember Laurie Feldman invited residents to participate in the Community Emergency Response Training.

Input from Residents. Councilmember Laurie Feldman encouraged residents to provide input to the Council on City issues.

Right Turn Lane at Duchesne/West Clay. President of the Council Jerry Reese announced that a right turn lane will be installed at Duchesne and West Clay.

Party in the Park. Councilmember Michael Weller announced that Party in the Park is scheduled for June 6, 2008, at Wapelhorst Park.

TABLED BILLS/PUBLIC HEARINGS

Bill 9569 (*Removed from the Table*)

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of Olive Street

(Sponsor: Richard Veit) (***Tabled at the February 19, 2008, Regular Council Meeting***)

Council Bill 9569 was removed from the table by Sponsor Richard Veit with the intent of withdrawing Council Bill 9569 from Council consideration on June 3, 2008.

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo

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610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12) with the following results: "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller. "Nay": None. Absent: None. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:52 p.m.

June 3, 2008
Date Approved
Maup X. McCoy
City Clerk

Jerry Reese
Jerry Reese, Presiding Officer